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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Scheller, D. & Stoehr, T.
Serial No.: 10/599,976
Filed: October 16, 2006
Title: USE OF PEPTIDE COMPOUNDS FOR THE PROPHYLAXIS AND
TREATMENT OF CHRONIC HEADACHE
Group Art Unit: 1614
Examiner: to be assigned
Confirmation No.: 7592
Docket No.: 6102-000049/US/NP
Client Ref.: P/St/4/04

CERTIFICATE OF MAILING

I certify that this paper, together with any attachments thereto, is being deposited with the United States Postal Service with sufficient postage as Express Mail No. EV 327048892 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 13, 2008.

Christine E. Rallo

June 13, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant hereby submits an Information Disclosure Statement (IDS) under 37 C.F.R. §1.97(b) before the mailing of a first Office Action on the merits in the above referenced application. No fee is believed payable; but if any fee should be found payable in respect of this submission, authorization is hereby provided to charge such fee to Deposit Account No. 08-0750.

In accordance with 37 C.F.R. §1.97(g) and (h), this submission shall not be construed as representation that a search has been made or as admission that information presented or

cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

In accordance with 37 C.F.R. §1.98, Applicant submits herewith (1) a listing on Form PTO-1449 of documents requested to be considered by the Examiner and (2) a legible copy of each listed document, except for U.S. patents and U.S. patent application publications.

In the interest of full disclosure, Applicant also submits herewith a copy of the International Search Report (ISR) dated June 9, 2005 and the International Preliminary Report on Patentability (IPRP) dated September 13, 2006 in International Patent Application No. PCT/EP2005/004047, which is the international stage of the present application.

In compliance with 37 C.F.R. §1.98(a)(3), Applicant provides the following statement of relevance, as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable of the contents, of the following document listed on attached Form PTO-1449 (a) which are not in the English language and (b) full English translations of which are not in Applicant's possession. Where a full or partial English language translation of a non-English language document is available to Applicant, a copy of such translation is included in the present submission. No representation is made as to the accuracy of the translation or, in the case of partial translations, that all pertinent parts of a document have been translated.

WO 99/02146. This publication appears to relate to amino acid derivative compounds of a generic formula given therein. According to the English language abstract on the cover page, the compounds are said to inhibit the type N calcium channel and to be useful *inter alia* as remedies for pains.

The following publications are submitted as English language counterparts of foreign language publications listed on attached Form PTO-1449. To the best of Applicant's belief, each English language publication identified below contains substantively similar disclosure to its foreign language counterpart.

- US 5,932,730 – counterpart of DE 195 33 023;
- US 6,352,992 – counterpart of WO 99/16444;
- US 6,509,341 – counterpart of WO 99/23078;
- US 6,610,691 – counterpart of WO 97/38980;

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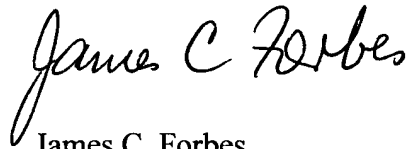
- US 6,670,367 – counterpart of WO 98/09953; and
- US 6,686,369 – counterpart of WO 97/38981.

All documents cited are already of record in the present application or are now made of record by the present IDS.

Consideration by the Examiner of the present submission is requested.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.



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Attachments

Form PTO-1449 (12 pages)
ISR in PCT/EP2005/004047 (4 pages)
IPRP in PCT/EP2005/004047 (6 pages)
Cited art:
 Foreign patent documents (46)
 Other documents (167)
Post card